IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 1940 / 2004

Petitioner

Shri Lekh Ram Sahu S/o Shri Bhikam Das Sahu, Aged about 36 years R/o Village Karamtara Tahsil Dongargaon, Dist : Rajnandgaon-(C.G.)

P. R No. 1961/04
Presented by Shri Tarkeshwar Dubey
dated 8-7-04

Versus

Respondents :

1. State of Chhattisgrh
Through the Collector, Durg
Dist : Durg-(C.G.)

2. The Superintendent Engineer,
Public Works Department,
Division Durg, Dist : Durg-(C.G.)

3. The Executive Engineer
Public Works Department (B&R)
Division Balod, Dist : Durg-(C.G.)

4. The Chief Medical & Health Officer, Durg,
District Hospital,
Dist : Durg-(C.G.)

RECEIVED-COPY
8/7/04
Clerk to A. G. Bilaspur

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

(30)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P.No. 1940/2004

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंन्तिम आदेश
	~~24-8-2004~~	

Shri Anup Mazumdar, counsel for the petitioner.

Shri Bhaskar Pyasi, Panel Lawyer for the State/respondents.

Heard on admission.

The main grievance of the petitioner in this petition is that the respondents had awarded a contract to the petitioner for construction work of Operation Theater and Labour Delivery Unit at village- Arjunda and total cost of the construction work was Rs. 9,99,000/-. Vide notice dated 8.4.2003 the Respondent No.3 asked the petitioner to complete the whole work within a period of 8 months. The payment was to be made in installment basis on the work executed by the petitioner time to time after measurement and approval by the departmental authorities. On 28.7.2003 the petitioner completed the work and he submitted the bill for payment to the tune of Rs. 1,29,494/- and even the measurement of the said work was completed and order was duly sanctioned by the Sub Divisional Officer, Public Works Department, Gunderdehi; but instead of making payment to the petitioner the respondents have directed him to stop the work. Thereafter the petitioner submitted separate representation to the respondents but neither they are replying the representation nor any amount is being paid to the petitioner. The petitioner has incurred expenses to the tune of Rs. 3,00,000/-.

Learned counsel for the petitioner submits that the respondents are neither making payments nor deciding his

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

32

आदेश पत्रक

W.P. No. 1940/2004

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

representation therefore at least a direction may be issued to the respondents to decide the representation.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, I am of the opinion that certainly a writ petition is not maintainable being the dispute of a contractual matter, however, the petitioner is allowed to make a detailed representation to the respondents and the respondents should decide the said representation, and if the petitioner is not satisfied with the order passed on the representation then he should pursue the remedy available under the law.

With the above observation this petition stands disposed of finally.

In view of the above order M(W)P No. 1739/2004 stands disposed of.

Sd/-
L.C. Bhadoo
Judge

18/10

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